

REMARKS

In response to the above identified Final Office Action, Applicant respectfully requests reconsideration thereof.

Response to Claim Rejections – 35 USC § 103

Claims 1-12, 14-18, 20-23, and 26-29 stand rejected under § 103(a) as allegedly being unpatentable by U.S. Patent No. 6,489,968 (hereinafter "Ortega") in view of U.S. Patent No. 6,286,002 (hereinafter "Axaopoulos").

Applicant respectfully submits that claims 1-12, 14-18, 20-23, and 26-29 should not be rejected under 35 U.S.C. § 103 for the reason that prior art references when combined do not teach or suggest all of the claim limitations of the independent claims of the present application.

To establish a **prima facie** case of **obviousness**, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

Claim 1 includes the following limitation:

defining a second structure of categories to provide an alternative classification of the data item...

The Office Action, in rejecting claim 1, contends that the above limitation is anticipated by the following disclosure in Axaopoulos:

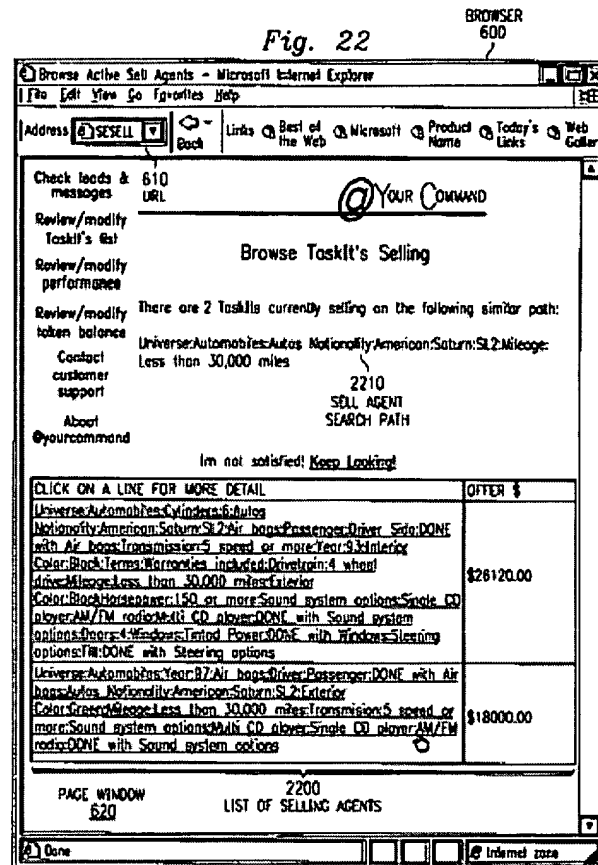


FIG. 22 illustrates the results of the search. The market place program 104 has returned an HTML page containing the list of selling agents 2200 for the sell agent search path 2210 (this corresponds to the current path 710 in FIG. 21). In this example, there are two agents available. The first agent is offered for \$26,120 and has an extensive path identifying the features associated with the vehicle. A second agent is the sell agent that was placed at FIG. 20 above. Note that the user defined a different path than was defined for placing the sell agent in FIGS. 6-20. However, the navigation agent was able to find the sell agent because the two paths had a corresponding set of keys. That is, the sell agent search path 2210 is a subset of the keys used to place the sell agent in FIG. 20.

Col. 15, lines 50-63.

The above quote from Axaopoulos describes an HTML page that includes the results of a search for a vehicle. The results includes a sell agent search path 2210 and two selling agents each associated with a path that identify features of a Taurus. The path associated with a selling agent and the sell agent search path 2210 have corresponding keys (e.g., "Universe:Automobiles:Autos Nationality:American:Saturn:SL2:Mileage: Less than 30,000 miles"). That is, the sell agent search path 2210 is a subset of a path associated with a selling agent.

Claim 1 requires a second structure of categories to provide an alternative classification of the data item. For example, a 2003 Blue convertible Taurus Car may be located by following an exemplary first category path "Passenger/Ford/Taurus" or an exemplary alternative second category path "Cars/Ford/Taurus" (Figure 5). In this example the exemplary first category path and the exemplary second category path provide alternative classifications of the Taurus (e.g., the exemplary first category path utilizes a classification "Passenger" that is not included in the exemplary second category path and the exemplary second category path utilizes a classification "Cars" that is not included in the exemplary first category path). In contrast, Axaopoulos does not disclose alternative classifications; but rather, one path that is the subset of another path because each path utilizes *corresponding keys*. Clearly a path that includes another path cannot be said to alternatively classify. Axaopoulos therefore cannot be said to

anticipate the above quoted limitation because Axaopoulos discloses a path that includes another path and claim 1 requires alternative classification.

Independent claims 14, 20, 28 and 29 each include a limitation corresponding substantially to the above-discussed limitation of claim 1. The above remarks are accordingly also applicable to a consideration of these independent claims.

In addition, if an independent claim is nonobvious under 35 U.S.C. § 103 then, any claim depending therefrom is nonobvious and rejection of claims 2-12, 15-18, 21-23 and 26-27 under 35 U.S.C. § 103 is also addressed by the above remarks.

Claims 24-25 stand rejected under § 103(a) as allegedly being unpatentable by U.S. patent no. 6,489,968 (hereinafter "Ortega") in view of U.S. patent no. 6,286,002 (hereinafter "Axaopoulos") and in further view of U.S. patent no. 6,381,607 (hereinafter "Wu").

Applicant respectfully submits that claims 24-25 should not be rejected under 35 U.S.C. § 103 because if an independent claim is nonobvious under 35 U.S.C. § 103 then, any claim depending therefrom is nonobvious and rejection of claims 24-25 under 35 U.S.C. § 103 is also addressed by the above remarks.

In summary, Ortega in combination with Axaopoulos does not teach or suggest each and every limitation of claims 1-12, 14-18 and 20-29 as required to support rejections of the independent claims of the present application under 35 U.S.C. § 103.


In summary, Applicant believes that all rejections presented in the Final Office Action have been fully addressed and withdrawal of these rejections is respectfully requested. Applicant furthermore believes that all claims are now in a condition for allowance, which is earnestly solicited.

If there are any additional charges, please charge Deposit Account No. 02-2666. If a telephone interview would in any way expedite the prosecution of the present application, the Examiner is invited to contact Mark Vatuone at (408) 947-8200.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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Mark R. Vatuone

Reg. No. 53,719

12400 Wilshire Blvd.
Seventh Floor
Los Angeles, CA 90025-1026
(408) 947-8200